

Three in 10 Call SCOTUS "Too Conservative"

Three in 10 Americans say the Supreme Court is "too conservative," up sharply from two years ago and now substantially more than call it "too liberal." Just under half say the court is about balanced ideologically in its decisions.

Thirty-one-percent call the court too conservative, compared with 19 percent in July 2005 – a period in which Chief Justice John Roberts and Justice Samuel Alito have joined the court, replacing William Rehnquist and Sandra Day O'Connor.

Considerably fewer, 18 percent, call the court too liberal. Forty-seven percent say it's balanced, down from 55 percent in 2005.

| Supreme Court is: | Now | July 2005 | Change |
|-------------------|-----|-----------|--------|
| Too conservative | 31% | 19 | +12 |
| Too liberal | 18 | 22 | -4 |
| About right | 47 | 55 | -8 |

Naturally there are sharp ideological differences in these views. Fifty-one percent of liberals see the court as "too conservative," compared with 36 percent of moderates and 10 percent of conservatives. Indeed a third of conservatives call it too liberal.

| | Supreme Court is... | | |
|---------------|---------------------|-------------|-------------|
| | Too conservative | Too liberal | About right |
| All | 31% | 18 | 47 |
| Liberals | 51 | 12 | 35 |
| Moderates | 36 | 12 | 50 |
| Conservatives | 10 | 33 | 53 |

Compared with two years ago, views of the court as too conservative are up 16 points among moderates, 10 points among liberals and six points (albeit to a still very small number) among conservatives themselves.

| | Court "too conservative:" change since 2005 | | |
|---------------|--|------|--------|
| | Now | 2005 | Change |
| All | 31% | 19 | +12 |
| Liberals | 51 | 41 | +10 |
| Moderates | 36 | 20 | +16 |
| Conservatives | 10 | 4 | +6 |

Such attitudes are not unprecedented; about as many as now called the court too conservative in 1991, when Clarence Thomas was nominated to replace retiring Justice Thurgood Marshall.

On two specific recent rulings, the public splits: by 56-40 percent, most disapprove of a ruling restricting how school boards can use race to assign children to schools; but by 55-43 percent, most approve of the Supreme Court's decision upholding restrictions on so-called partial-birth abortion.

METHODOLOGY – This ABC News/Washington Post poll was conducted by telephone July 18-21, 2007, among a random national sample of 1,125 adults. Additional interviews were conducted with an oversample of randomly selected African-Americans for a total of 210 black respondents. The results have a three-point error margin. Sampling, data collection and tabulation by TNS of Horsham, Pa.

ABC News polls can be found at ABCNEWS.com at <http://abcnews.com/pollvault.html>.

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Full results follow (*= less than 0.5 percent).

42. On another subject: Do you think the Supreme Court tends to be too (conservative) or too (liberal) in its decisions, or is it generally balanced in its decisions?

| | Conservative | Liberal | Balanced | No opinion |
|---------|--------------|---------|----------|------------|
| 7/21/07 | 31 | 18 | 47 | 4 |
| 7/21/05 | 19 | 22 | 55 | 4 |
| 7/17/95 | 22 | 22 | 54 | 3 |
| 9/15/91 | 31 | 16 | 48 | 5 |
| 7/1/91 | 33 | 21 | 39 | 6 |
| 9/23/87 | 19 | 24 | 52 | 5 |
| 6/23/86 | 19 | 18 | 54 | 8 |

43. As you may know, the Supreme Court recently restricted how local school boards can use race to assign children to schools. Some argue (this is a significant setback for efforts to diversify public schools), others say (race should not be used in school assignments). On balance, do you approve or disapprove of this decision?

| | Approve | Disapprove | No opinion |
|---------|---------|------------|------------|
| 7/21/07 | 40 | 56 | 4 |

44. The Supreme Court also recently upheld a federal restriction on the procedure known as partial birth abortion, banning the procedure except when a woman's life is at risk. Do you approve or disapprove of this decision?

| | Approve | Disapprove | No opinion |
|---------|---------|------------|------------|
| 7/21/07 | 55 | 43 | 2 |

END